

REMARKS

Claims 1 and 3 through 16 are now pending in this application. In response to the non-final Office Action dated March 25, 2005, claims 1, 3, 5, 6, 8, 9 and 12 have been amended and new claims 15 and 16 have been added. Care has been taken to avoid the introduction of new matter. Claims 1, 5, 6, and 9 through 14 stand rejected. Claims 3, 4, 7 and 8 stand under objection, solely for dependency from rejected parent claims. Favorable reconsideration of the application is respectfully solicited.

Claims 1, 2, 6, and 9 through 12 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent 5,444,376 (Dittmann). The rejection is set forth at pages 2-5 of the Office Action. Claim 5 was rejected under 35 U. S. C. § 103(a) as being unpatentable over Dittmann in view of U.S. Patent 5,208,541 (Yerkovich). The Office Action recognizes that Dittmann does not disclose that at least one capacitive sensor of the probe comprises a metal plate. Yerkovich has been relied upon for concluding that it would have been obvious to provide this requirement in the Dittmann arrangement. Claim 13 was rejected under 35 U. S. C. § 103(a) as being unpatentable over Dittmann in view of U.S. Patent 5,614,828 (Sims). Sims has been relied upon for concluding that it would have been obvious to provide a signal processor and an amplifier in the testing system of Dittmann.

In response to these rejections, independent claims 1, 9 and 12 have each been amended to additionally require that the capacitances of the two sensors are different from each other. Support for this subject matter can be found, for example, at paragraphs [0027] and [0028] of the specification. It is submitted that neither Dittmann, Yerkovich, nor Sims discloses or suggests a dual capacitive coupled sensor wherein the detectors have capacitances that are different from each other. Claims 1, 9 and 12, and the claims that are dependent therefrom are, therefore,

Application No.: 10/804,230

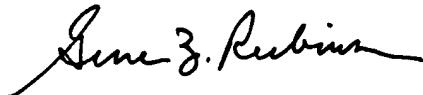
patentably distinguishable. Withdrawal of the rejections of claims 1, 5, 6, and 9 through 14 is respectfully solicited.

As patentability is believed to reside in the recited combination including the feature of different capacitances of the detectors, recitation of the specific arm and positioning member relationship has been deleted from original claim 1 and presented in new dependent claims 15 and 16. Claim 8 has been rewritten in independent form.

Accordingly, it is submitted that the application is now in condition for allowance. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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